

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Jose Chavez, et al.,	)	No. CV 01-245-TUC-FRZ (JM)
	)	
Plaintiffs,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
United States of America, et al.,	)	
	)	
Defendants.	)	

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Pending before the Court are two Reports and Recommendations issued by United States Magistrate Judge Marshall. In the first Report and Recommendation (Doc. 178), Magistrate Judge Marshall recommends granting Defendants' motion to dismiss for lack of subject matter jurisdiction or in the alternative for judgment on the pleadings. In the second Report and Recommendation (Doc. 179), Magistrate Judge Marshall recommends denying the motion for judgment on the pleadings filed by Defendants James Ziglar, David Aguilar, Ralph Hunt, Alvaro Obregon, Felix Chavez, and Michael Campbell. The Court has reviewed the parties' respective objections and responses to the objections. As the Court finds that the Reports and Recommendations properly resolved the motions at issue, the parties' objections are denied.<sup>1</sup>


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<sup>1</sup>The Court reviews de novo the objected-to portions of the Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the unobjected-to portions of the Report and Recommendation. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *see also Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

Accordingly, IT IS HEREBY ORDERED as follows:

- (1) The two Reports and Recommendations (Doc. 178, 179) are accepted and adopted.
- (2) Defendants' motion to dismiss for lack of subject matter jurisdiction or in the alternative for judgment on the pleadings (Doc. 126) is granted.
- (3) The motion for judgment on the pleadings filed by Defendants James Ziglar, David Aguilar, Ralph Hunt, Alvaro Obregon, Felix Chavez, and Michael Campbell (Doc. 143) is denied.
- (4) As the previous referral pertains to all pretrial proceedings, and pretrial proceeding remain in this case, the referral to Magistrate Judge Marshall is still in effect. All filings in this action shall be designated as: **CV 01-245-TUC-FRZ (JM)**.

DATED this 23<sup>rd</sup> day of September, 2010.



Frank R. Zapata  
Senior United States District Judge